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OFFICE OF PETITIONS

In re Application of
Sandstrom
U.S. Patent No. 6,810,956
Application No. 09/806,220
International
Filing Date: September 22, 1999
For: THREAD COUPLING FOR A DRILL
STRING FOR PERCUSSIVE ROCK DRILLING

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:
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: Corrected
: Letter Regarding
: Extension of Patent Term
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The above-identified patent has been forwarded to the undersigned for correction of the information printed on the front page of the patent relating to the patent term extension provisions under 35 U.S.C. § 154(b)¹ and 37 CFR. § 1.701.

The Office proposes to issue a certificate of correction in order to rectify the error regarding the patent term extension information. See 35 U.S.C. 254 and 37 CFR 1.322. Patentee is given THIRTY (30) DAYS to respond to this letter. If no objection is received from patentee, the Office will issue a certificate of correction indicating that the patent term is extended for 205 days under 35 U.S.C. 154(b). This time limit is NOT extendible under 37 CFR 1.136.

The Notice of Allowance and Issue Fee Due mailed August 12, 2004, incorrectly indicated that the patent to issue from the application 09/806,220 was eligible for a 50 day extension when a 205 day extension is due. The front page of the patent incorrectly indicates that the term of the patent is extended for 50 days.

Issue of the above-identified application was delayed due to appellate proceedings before the Board of Appeals and Interferences, and the above-identified application has been allowed pursuant to a favorable decision by the Board.

A Notice of Appeal was filed in the above-identified application on December 11, 2003. On July 2, 2004, the Board of Appeals and Interferences reversed the decision of the examiner in the

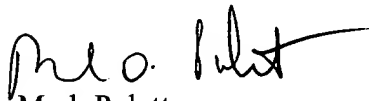
¹35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000). Since this amendment is effective May 29, 2000 and applies to applications filed on or after that date, the existing patent term adjustment provisions of 35 U.S.C. § 154 continue to apply to the above-identified application.

above-identified application. Since the above-identified application was filed after June 7, 1995, there is no terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review, and issuance of the application as a patent was delayed due to appellate review resulting in a reversal of an adverse decision of patentability, the patent to issue from the application is entitled to an extension of the patent term. The period of delay in the above-identified application is the period beginning on December 11, 2003, the date that the Notice of Appeal was filed, and ending on July 2, 2004, the date of the final decision in favor of the applicant. Three years after the International filing date of the application is September 22, 2002. Accordingly, the period of extension is not required to be reduced pursuant to 37 CFR 1.701(d)(1) by the amount of time prior to three years after the filing date of the application. As a result, the period of extension is 205 days, the period from December 11, 2003 to July 2, 2004, including the beginning and end dates.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Telephone inquiries with regard to this communication should be directed to the undersigned at (571) 272-7709.



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